



07-11-03

3731.

Docket No. 4303-4003US5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gregory Pinchasik et. al.

Group Art Unit: 3731

Serial No.: 10/040,789

Examiner: TBA

Filed: January 9, 2002

For: LONGITUDINALLY FLEXIBLE STENT

INFORMATION DISCLOSURE STATEMENT

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

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- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____. A
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
- c. ☐ The fee due under 37 C.F.R. §1.17(h) is paid as set forth in paragraph 11

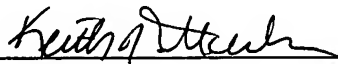
below.

9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ This document is accompanied by ☐ a Search Report ☐ Communication which was cited in a corresponding ☐ PCT and ☐ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4303-4003US5. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 9, 2003

By: _____


Keith J. McWha
Registration No. 44,235

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IDS LETTER

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and in conformance with the procedures of 37 C.F.R. §§1.97 and 1.98 and M.P.E.P. §6098, attorneys for Applicant hereby bring the following information to the attention of the Examiner.

Subject matter related to the present patent application is currently involved in several proceedings. There are currently two pending cancellation proceedings in Germany. The status of each matter is briefly discussed below.

I. DE20108765U1 Cancellation Proceeding

A cancellation action was filed on January 10, 2003 in Germany of German Utility model DE 201 08 765 U1 related to EP 201 08 765. Enclosed are English versions of the cancellation action, related patents and other related references. The patents cited in the cancellation action include WO 00/30563 to Brown, WO 99/15108 to Berry, US

5,913,895 to Burpee, WO 97/32544 to Penn, US 5,603,721 to Lau and DE 297 08 879 U1 to Hoefer all of which are attached with related Exhibits.

II. DE20108764U1 Cancellation Proceeding

A cancellation action was filed on January 10, 2003 in Germany of German Utility model DE 201 08 764 U1 related to EP 201 08 764. Enclosed are English versions of the cancellation action, related patents and other related references. The patents cited in the cancellation action include WO 00/30563 to Brown, WO 99/15108 to Berry, US 5,913,895 to Burpee, WO 97/32544 to Penn, US 5,603,721 to Lau, DE 297 08 879 U1 to Hoefer, and US5,733,303 to Israel all of which are attached with related Exhibits.

Applicants respectfully request that the Examiner consider the above discussed proceedings and related documents. If the Examiner has any questions regarding any of the above discussed matters, or wishes clarification of any of the matters discussed above, the Examiner is invited to contact the undersigned.

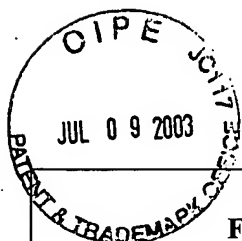
Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: June 9, 2003

By: Keith McWha
Keith McWha
Registration No. 44,235

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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Attorney Docket:
4303-4003US5Serial No.:
10/040,789Applicant:
Gregory Pinchasik et al.Filing Date:
January 9, 2002Group Art Unit:
3731

U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	5,855,600	1/5/1999	Alt	623	1	8/1/1997
	6,159,237	12/12/2000	Alt et al.	623	1.11	11/5/1998
	6,478,815	11/12/2002	Alt	623	1.115	9/18/2000
	6,251,134	6/26/2001	Alt et al.	623	1.16	2/28/1999
	5,800,508	9/1/1998	Goicoechea et al.	623	1	6/5/1995
	6,299,604	10/9/2001	Ragheb et al.	604	265	8/20/1999
	6,241,762	6/5/2001	Shanley	623	1.17	10/29/1998
	6,132,461	10/17/2000	Thompson	623	1.15	4/29/1998

FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Publication Date	Country	Class	Sub-Class	Translation
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

	Cancellation Proceeding against DE Patent No. 20108764
	Cancellation Proceeding against DE Patent No. 20108765
	IDS letter

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.
Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to Applicant.



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EXPRESS MAIL CERTIFICATE

Commissioner for Patents
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Express Mail Label No.: **EV 169 422 244US**

Date of Deposit: **July 9, 2003**

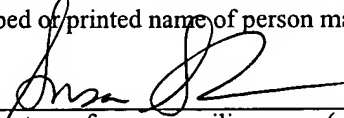
I hereby certify that the following attached paper(s) and/or fee

1. Supplemental Information Disclosure Statement;
2. Supplemental PTO 1449;
3. Eight Cited References;
4. Cancellation Proceeding against DE Patent No. 20108764;
5. Cancellation Proceeding against DE Patent No. 20108765;
6. IDS letter;
- 7 - Return postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Shen

(Typed or printed name of person mailing papers(s) and/or fee)


(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

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